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BEYER WEAVER & THOMAS, LLP

INTELLECTUAL PROPERTY LAW
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FACSIMILE COVER SHEET

October 16, 2006

Receiver: Examiner HO, DUC CHI
TEL #:

FAX #: 571-273-8300

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Sender: Natalie Morgan for:
Haruo Yawata

Serial No. 09/883,674
Our Ref. No.: CISCPI85/2949

Re: Petition to Withdraw Holding of Abandonment

Pages Including Cover: 19

Fax Contents: Fax Cover Sheet- 1 page
Petition to Withdraw Holding of Abandonment- 2 pages
Attachment A- 1 page
Attachment B-2 pages
Attachment C-13 pages

MESSAGE:

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OCT 16 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nosella et al.

Attorney Docket No.: CISC185/2949

Application No.: 09/883,674

Examiner: HO, DUC CHI

Filed: June 18, 2001


Group: 2665

Title: GATEWAY LOAD BALANCING
PROTOCOL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to fax number 571-273-8300 to the U.S. Patent and Trademark Office on October 16, 2006.

Signed:


Natalie Morgan

Petition to Withdraw Holding of Abandonment
37 CFR §1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the Notice of Abandonment mailed on August 23, 2006 be withdrawn in view of the timely filed Amendment mailed on June 12, 2006. The following is a list of events that occurred prior to the issuance of the Notice of Abandonment.

Applicants acknowledge that an Office Action was issued by the Patent Office on February 13, 2006. In response to the outstanding Office Action, Applicant's attorney of record mailed Amendment C along with formal drawings. Attached is a copy of the returned, stamped postcard (Attachment A) showing receipt by the Patent Office. As procedure, the attorney of record's assistant prepared and filed the response to the Office Action by signing a certificate of mailing under 37 CFR §1.8 to Amendment C (Attachment B). Also attached is a copy of Amendment C as printed off of the USPTO website showing a second form of receipt by the Patent Office (Attachment C).

As you can see by the above, Applicant's attorney made a good faith effort to submit a response within the time limit allotted. Applicants earnestly request that the Notice of Abandonment in this application be withdrawn and the application be reinstated and passed to issuance in due course.

The undersigned, Haruo Yawata, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application resulting therefrom.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



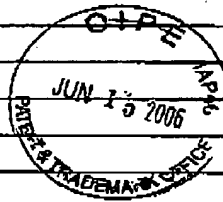
Haruo Yawata
Limited Recognition No. L0109

P.O. Box 70250
Oakland, CA 94612-0250

Docket #	CISCP185/2949	By:	BY/num	Date of this mailing:	June 12, 2006
Appl'n #:	09/883,674	Filing Date:	June 18, 2001		
Iny(s)	Nosella et al.				
Title:	GATEWAY LOAD BALANCING PROTOCOL				

The following have been received in the U.S. Patent Office on the date stamped hereon:

Item	Description	# Pgs
1.	Amendment Transmittal w/certificate of mailing	01
2.	Amendment C w/certificate of mailing	04
3.	4 Sheets of Replacement Drawings	04
4.	4 Sheets of Annotated Drawings	04
5.		
6.		
7.		
8.		
9.		
10.		



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BY DOCKETING DEPT.
DATE: 6/21 BY: [Signature]

OCT 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nosella et al.

Attorney Docket No.: CISC185/2949

Application No.: 09/883,674

Examiner: HO, DUC CHI

Filed: June 18, 2001

Group: 2665

Title: GATEWAY LOAD BALANCING
PROTOCOL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on June 12, 2006 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Signed: _____

Natalie Morgan

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	44	MINUS	44	00	x 25 =	x 50 = 00
Independent Claims	10	MINUS	10	00	x 100 =	x 200 = 00
Multiple Dependent Claim Present and Fee Not Previously Paid						
One Month Extension of Time Fee						\$120.00
Total					\$	\$120.00

- ☒ Applicant(s) hereby petition for a one-month extension(s) of time to respond to the aforementioned Office Action.
- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- ☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. CISC185).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Haruo Yawata

Limited Recognition No. L0109

P.O. Box 70250
Oakland, CA 94612-0250

OCT 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Nosella et al.

Attorney Docket No.: CISC185/2949

Application No.: 09/883,674

Examiner: HO, DUC CHI

Filed: June 18, 2001

Group: 2665

Title: GATEWAY LOAD BALANCING
PROTOCOL**CERTIFICATE OF MAILING**

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Signed: _____

Natalie Morgan

AMENDMENT C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated February 13, 2006, please amend the above-identified patent application as indicated in the following pages.

Amendments to the Drawings begin on page 2 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 3 of this paper.

Appln. No.: 09/883,674

1

Atty Docket: CISC185/2949

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IFM 2665



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Nosella et al.

Attorney Docket No.: CISC185/2949

Application No.: 09/883,674

Examiner: HO, DUC CHI

Filed: June 18, 2001

Group: 2665

Title: GATEWAY LOAD BALANCING
PROTOCOL

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Signed: _____

Natalie Morgan

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	44	MINUS	44	00	x 25 =	x 50 = 00
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- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- ☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. CISC185).

06/15/2006 SSESHE1 00000034 500388 09883674

01 FC:1251 120.00 JA

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Haruo Yawata

Limited Recognition No. L0109

P.O. Box 70250
Oakland, CA 94612-0250

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Nosella et al.

Attorney Docket No.: CISC185/2949

Application No.: 09/883,674

Examiner: HO, DUC CHI

Filed: June 18, 2001

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Title: GATEWAY LOAD BALANCING
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Signed: _____

Natalie Morgan

AMENDMENT C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated February 13, 2006, please amend the above-identified patent application as indicated in the following pages.

Amendments to the Drawings begin on page 2 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 3 of this paper.

Appln. No.: 09/883,674
Atty Docket: CISC185/2949

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Claims 1-44 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the allowance of claim 36. Applicants believe that other pending claims (i.e., claims 1-35, and 37-44) are also in condition for allowance for at least the reasons set forth below.

II. DRAWINGS

Drawings stand objected to. Figures 1-4B have been now labeled as prior art. Withdrawal of the objections is respectfully requested.

III. REJECTIONS OF CLAIMS 1-35 AND 37-43 UNDER 35 U.S.C. § 102

Claims 1-35, and 37-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art (APA) in Figures 1-4B of the present application. All pending claims are believed to be allowable for at least the following reasons. Essentially, it is not seen how the background section of the application suggests linking the ARP protocol to load balancing. Withdrawal of the rejection is respectfully requested.

The present invention as recited in independent claims 1, 8, 10, 17, 19, 26, 32, 34, 36, and 37 is directed to providing gateway services to hosts. Most of these claims recite load balancing gateway services. Independent claim 1 requires, *inter alia*, "in response to the received ARP message, and based on *load balancing* considerations, selecting one of the plurality of gateway devices." Other independent claims 8, 10, 17, 19, 26, 32, 34, and 37 contain recitations similar to those of independent claim 1.

The Office Action rejects claims 1-35, and 37-44 under § 102(b) based on the background description of the present specification. Applicants respectfully disagree.

35 U.S.C. § 102(b) is not applicable here because the rejections employ two separate teachings on ARP and load balancing. In the background section of the present specification, description regarding an HSRP system using ARP refers to Figures 1-3. On the other hand, description about load balancing refers to Figures 4a and 4b. These teachings on different technologies are separate and independent. A mere fact that the descriptions on two subject matters are in the same background section cannot justify the § 102(b) rejections.

In addition, APA does not provide any motivation to combine the teachings on two

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Atty Docket: CISC185/2949

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different technologies. Therefore, it is respectfully submitted that the Office cannot rely upon APA to reject claims 1-35, and 37-44 under § 103 as well.

In view of the foregoing, the invention defined in independent claims 1, 8, 10, 17, 19, 26, 32, 34, and 37, and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

IV. CONCLUSION

Applicants believe that all pending claims are in condition for allowance and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Haruo Yawata
Limited Recognition No. L0109

P.O. Box 70250
Oakland, CA 94612-0250
510-663-1100, ext. 245

Appln. No.: 09/883,674
Atty Docket: CISC185/2949

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Amendment to the Drawings:

The attached sheets of drawings include changes to Figures 1-4B. These sheets, which includes Figures 1-4B, replace the original sheets including Figures 1-4B. Each sheet has been added the label "Prior Art."

Attachment: Replacement Sheet

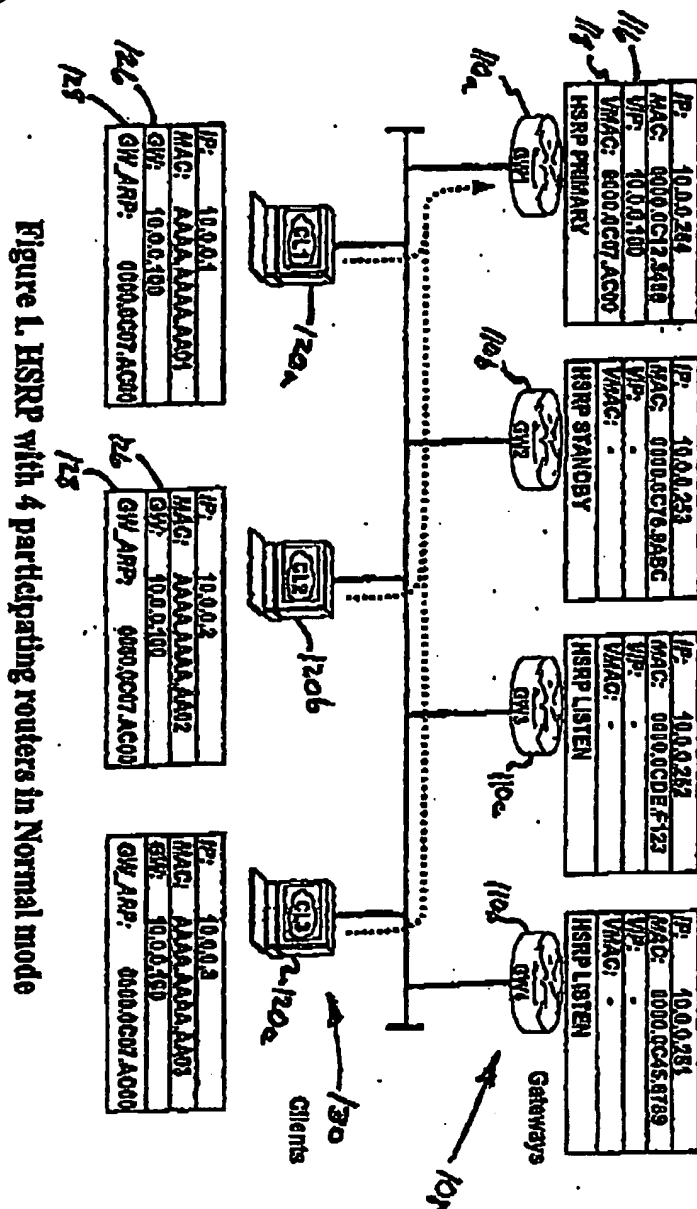
Annotated Sheet Showing Changes

Appln. No.: 09/883,674
Atty Docket: CISC185/2949

2

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 Amtd. Dated June 12, 2006
 Reply to Office action of February 13, 2006
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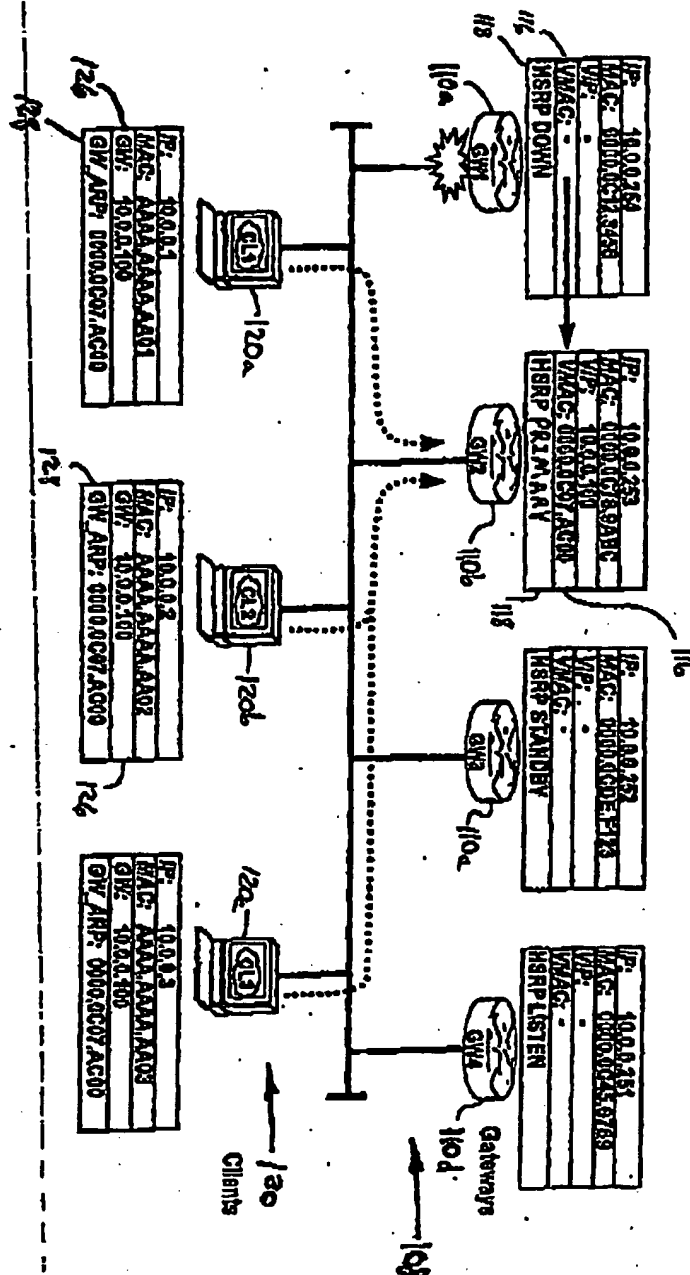


PRIOR ART

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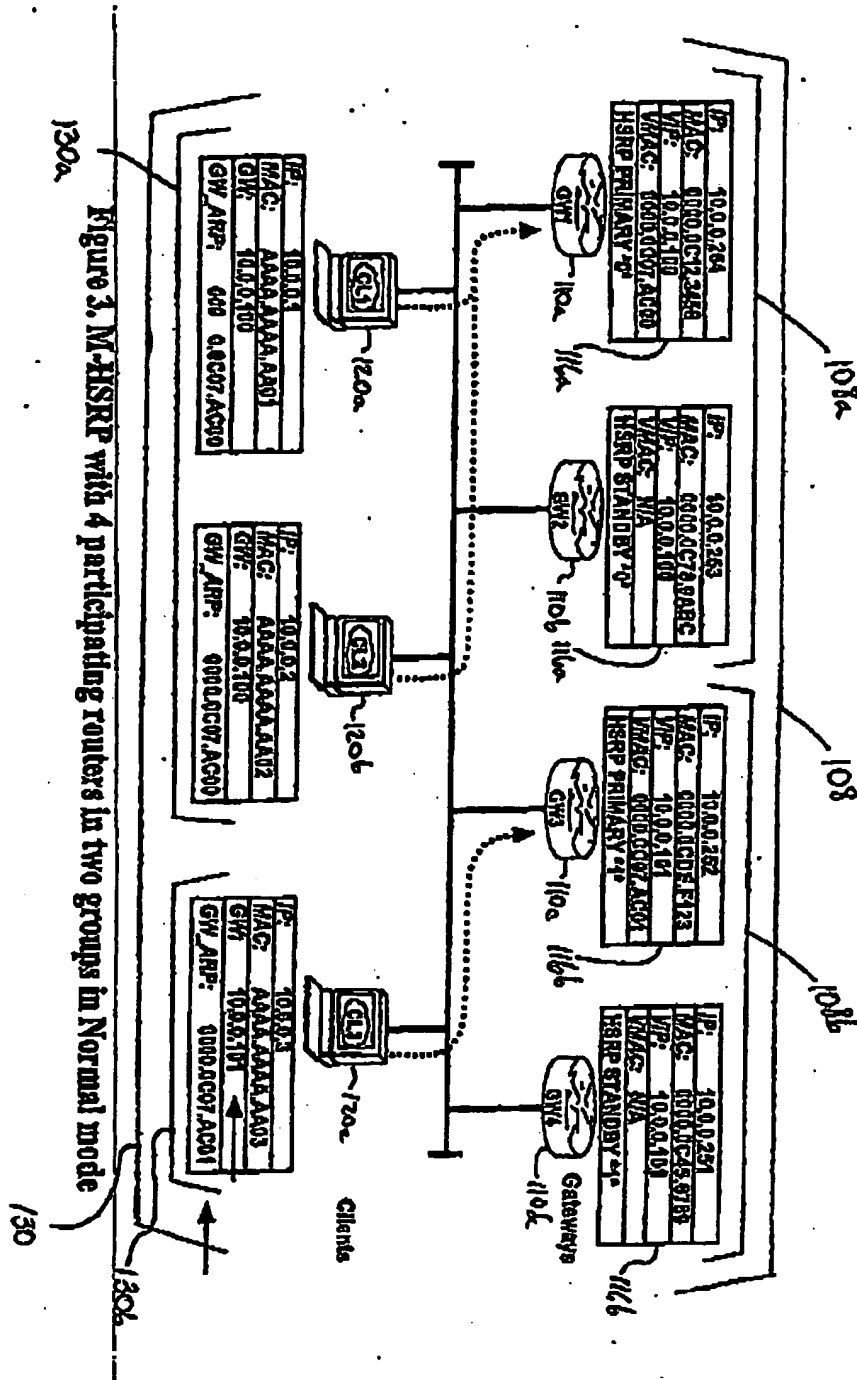
Figure 2. HSRP with 4 participating routers in Follower mode.



PRIOR ART

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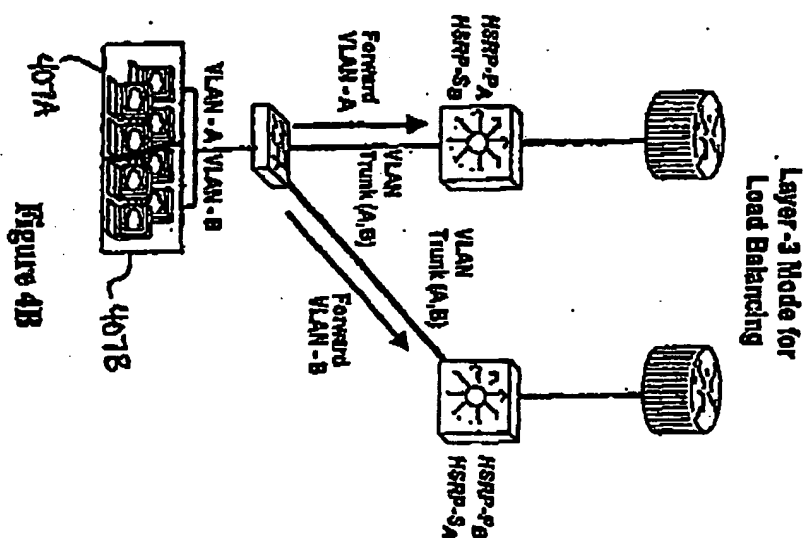
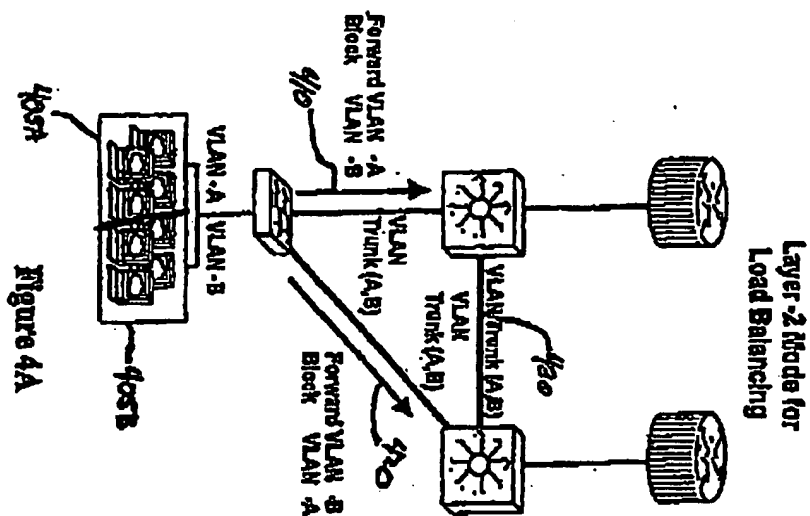
Appl. No. 09/883,674
 Amdt. Dated June 12, 2006
 Reply to Office action of February 13, 2006
 Replacement Sheet



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PRIOR ART

Appl. No. 09/883,674
 Amdt. Dated June 12, 2006
 Reply to Office action of February 13, 2006
 Replacement Sheet

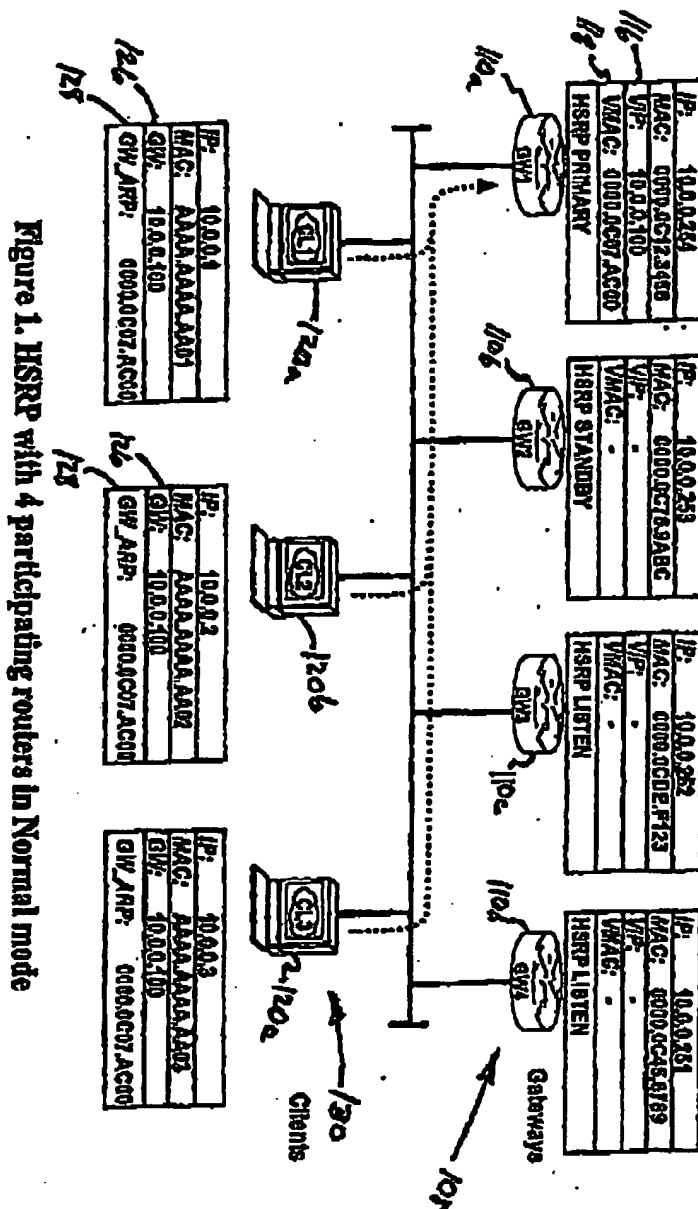


PRIOR ART

PRIOR ART

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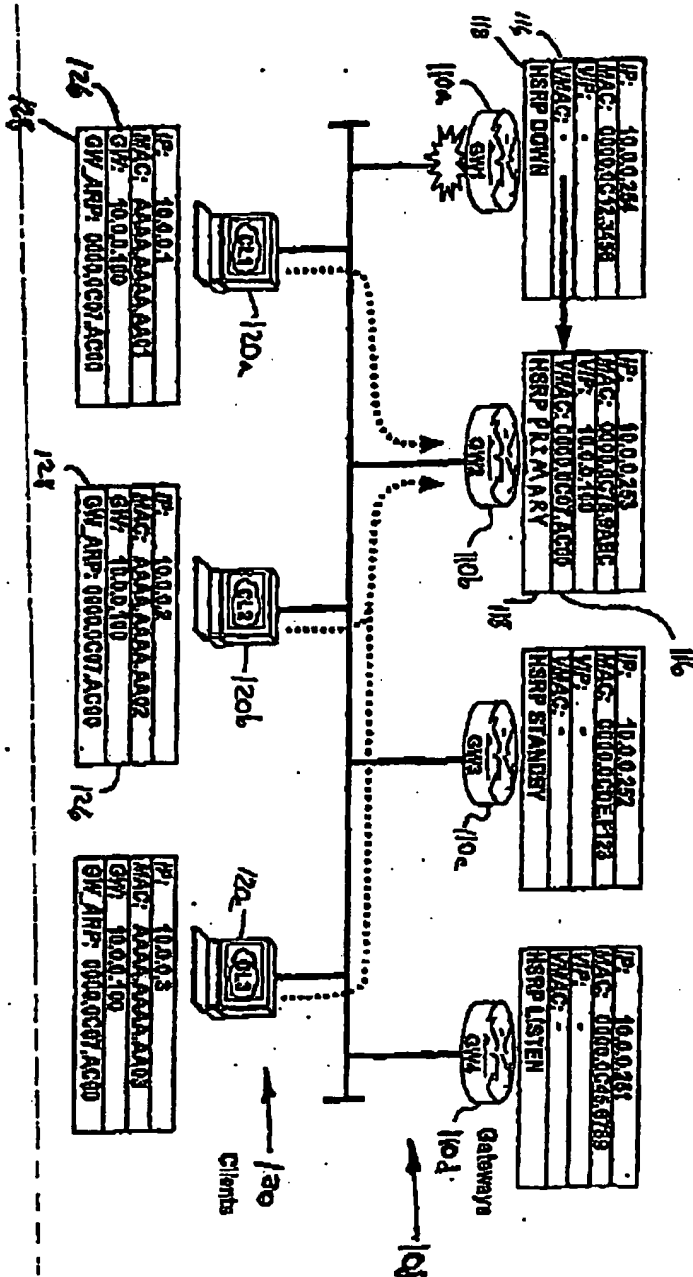
PRIOR ART

label added

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 Reply to Office action of February 13, 2006
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Figure 2. HSRP with 4 participating routers in Fallover mode

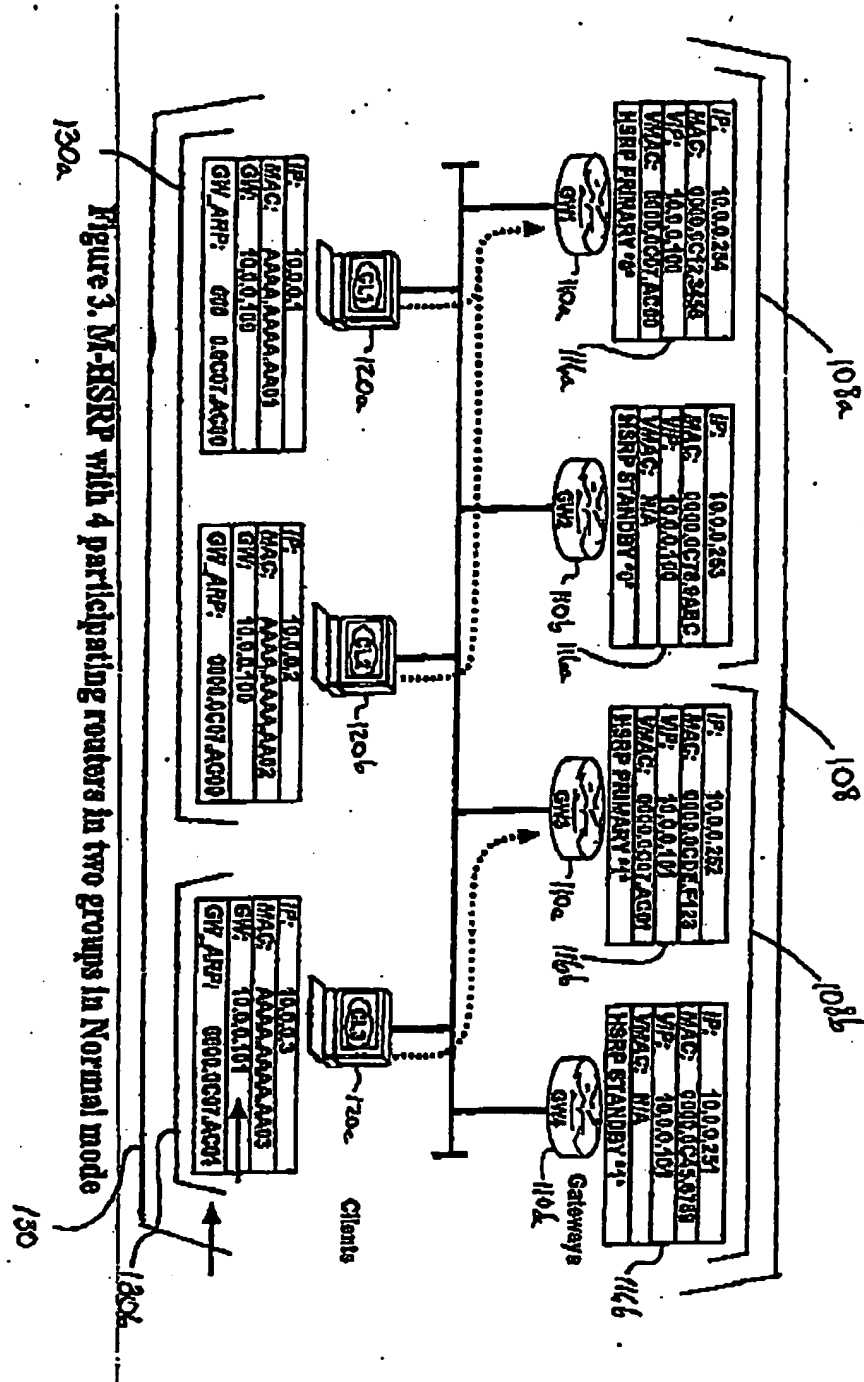


PRIOR ART

Label added

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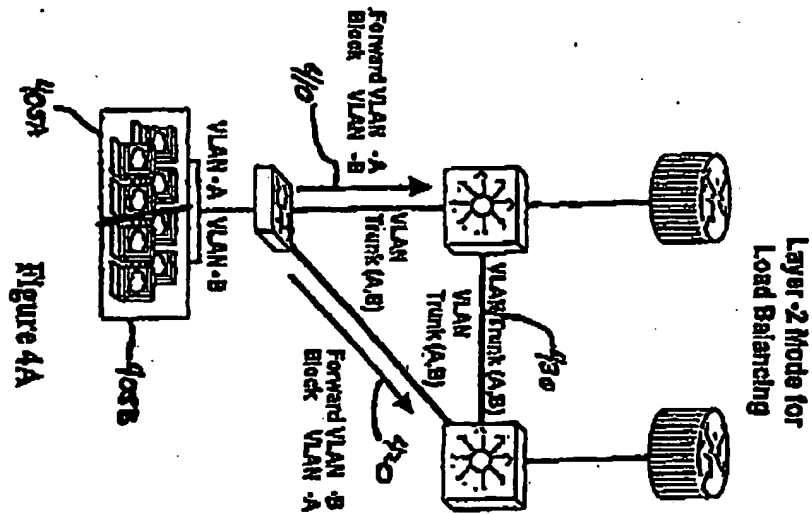


PRIOR ART

label added

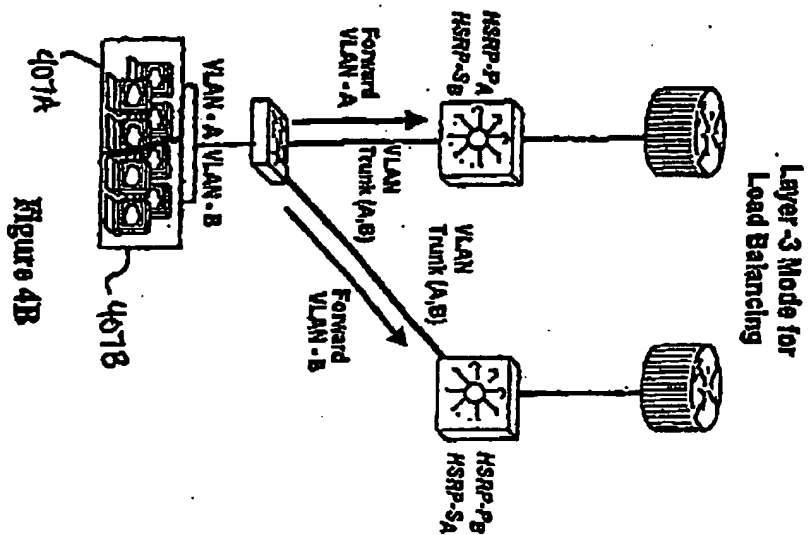
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PRIOR ART

label added



PRIOR ART

label added

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